

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, February 16, 2004, 7:00 p.m.

Appointments

Designation of Lead Agency on Aging for Home and Community Care Block Grant	465	02/16/04
Home and Community Care Block Grant Advisory Committee	465	02/16/04
Unified Development Ordinance (UDO) Steering Committee	466	02/16/04
Catawba County Planning Board	466	02/16/04
Resource and Referral Service	466	02/16/04
Community Service Block Grant Advisory Board (CSBG)	466	02/16/04

Awards

Outstanding County Program Award from the NCACC for Catawba County's Employee Health Clinic Program	457	02/16/04
Staff Attorney Debra Bechtel, member of the United States Supreme Court Bar	468	02/16/04

Codification of County Laws

Amendment to Zoning Ordinance, Section 44-220 Mini-warehouses	458	02/16/04
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Duke Power

Ground breaking for new scrubber at Plant Marshall	468	02/16/04
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Emergency Services Department

Resolution to approve the financing of \$225,000 to the Mountain View Fire Department for the purchase of a pumper fire truck	466	02/16/04
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Guests

Flag Ceremony conducted by Members of Cub Scouts, Boy Scouts, and Venture Scouts of Unit 903, First Presbyterian Church, Newton	457	02/16/04
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Ordinances

No. 2004-01, Amendment to Zoning Ordinance, Section 44-220 Miniwarehouses	459	02/16/04
No. 2004-02, Rezoning request of Billy Little to rezone an approximate 0.62-acre portion of a 46.77 acre tract from R-2 Residential to C-1 Commercial	461	02/16/04
No. 2004-03, Rezoning request of Don Innes to rezone a 20.9-acre tract from C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district	463	02/16/04
No. 2004-04, Rezoning request of Betty P. Ivester for the Estate of Robert H. Gabriel to rezone a 3.17 acre tract and a 5.19 acre portion of a 43.4 acre tract from R-2 Residential to the Terrell Highway Commercial (THC) District	465	02/16/04

Personnel

Outstanding County Program Award from the NCACC for Catawba County's Employee Health Clinic Program	457	02/16/04
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Planning Department

Amendment to Zoning Ordinance, Section 44-220 Mini-warehouses	458	02/16/04
Rezoning request of Billy Little to rezone an approximate 0.62-acre portion of a 46.77 acre tract from R-2 Residential to C-1 Commercial	460	02/16/04
Rezoning request of Don Innes to rezone a 20.9-acre tract from C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district	461	02/16/04
Rezoning request of Betty P. Ivester for the Estate of Robert H. Gabriel to rezone a 3.17 acre tract and a 5.19 acre portion of a 43.4 acre tract from R-2 Residential to the Terrell Highway Commercial (THC) District	463	02/16/04

Proclamations

Boy Scouts Week, February 8-14, 2004 457 02/16/04

Public Hearings

Amendment to Zoning Ordinance, Section 44-220 Mini-warehouses 458 02/16/04

Rezoning request of Billy Little to rezone an approximate 0.62-acre portion
of a 46.77 acre tract from R-2 Residential to C-1 Commercial 460 02/16/04

Rezoning request of Don Innes to rezone a 20.9-acre tract from
C-2 Commercial to a PD-SC(C) Planned Development-Shopping
Center Community district 461 02/16/04

Rezoning request of Betty P. Ivester for the Estate of Robert H. Gabriel
to rezone a 3.17 acre tract and a 5.19 acre portion of a 43.4 acre tract
from R-2 Residential to the Terrell Highway Commercial (THC) District 463 02/16/04

Reinventing

Personnel Changes, Reinventing Government - Social Services 468 02/16/04

Resolutions

No. 2004-03, Resolution to approve the financing of \$225,000 to the
Mountain View Fire Department for the purchase of a pumper fire truck 467 02/16/04

Sheriff's Department

Active Reserve Tony B. White, presentation of side arm and badge 458 02/16/04

Social Services, Department of

Designation of Lead Agency on Aging for Home and Community
Care Block Grant 465 02/16/04

Transfer of Capital and Current Projects for HVAC repair at Social Services 467 02/16/04

Reinventing - Personnel Changes 468 02/16/04

The Catawba County Board of Commissioners met in regular session on Monday, February 16, 2004, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were Assistant County Manager Mick W. Berry, Assistant County Manager Joellen J. Daley, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance to the Flag:
 - a. Flag Ceremony was conducted by Members of Cub Scouts, Boy Scouts, and Venture Scouts of Unit 903, First Presbyterian Church, Newton, North Carolina, Scoutmaster John Cline.

Chair Barnes introduced the following Cub Scouts from Pack 903: Hayden Bandy, Kevin Cline, Sam Avis, Jake Kelley, and Will Williams; Boy Scouts from Troop 903: Eagle Scouts Brian Murphy and John Cline, Jr.

Mr. John Cline, Jr. described a Venture Scout. He said a Venture Scout can be male or female from age 14 - 21.
3. Commissioner Lail offered the Invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from regular session of Monday, February 2, 2004. The motion carried unanimously.
5. Recognition of Special Guests. None.
6. Public Comment for items not on the agenda. None.
7. Presentations:
 - a. Presentation of Certificate for Outstanding County Program Award from the North Carolina Association of County Commissioners for Catawba County's Employee Health Clinic Program.

Director of Member Services for the North Carolina Association of County Commissioners (NCACC) Robert G. Hester said the NCACC had presented awards for the past 12 years for outstanding county programs. The Employee Health Clinic Program is one of the top programs in the state for 2003 and the NCACC can share information about the program with other counties around the state. He presented the award to Chair Barnes and she in turn presented same to Personnel Director Debbie Bradley.

Ms. Bradley thanked the Board for its continued support of the Employee Health Clinic and she said the County saved approximately \$90,000 in the first year of the clinic's operation.
 - b. The Board proclaimed February 8-14, 2004, as Boy Scouts Week and Commissioner Hunsucker presented the proclamation to John Norwood, District Executive Director, Catawba County Boy Scouting, Lakeland District, Piedmont Council and District Commissioner of Catawba County Bob Wright.

Mr. Norwood said there are approximately 3,000 boys/girls that are involved in Scouting in Catawba County and over 500 volunteers. He thanked the Board for the proclamation.

- c. Commissioner Beatty made a motion to declare Active Reserve Tony B. White's service side arm and badge as surplus pursuant to North Carolina General Statutes 20-187.2 and present same to him on the occasion of his retirement. The motion carried unanimously.

Sheriff L. David Huffman and Chair Barnes presented Mr. White with his service side arm and badge. Mr. White's wife, Rita, also joined him at the podium.

Sheriff Huffman said this is the first time a reserve officer has retired because most do not stay with the County that long. He said Mr. White received no pay except for attending ballgames around the County.

Mr. White said the strength of Catawba County is in its volunteers and he thanked the Board and Sheriff Huffman for the honors.

8. Public hearings:

- a. Amendment to Catawba County Zoning Ordinance Chapter 44, Article VII. Supplemental Regulations, Section 44-220 Miniwarehouses. Proposed revisions include appearance and development standards for miniwarehouses. Also being considered is deleting the current standard of requiring miniwarehouses to be located on collector or arterial streets.

County Planner Mary K. George said miniwarehouses are listed in the Zoning Ordinance as a permitted use in the C-2, C-3, E-1 and E-2 zoning districts subject to meeting additional requirements beyond the setback, parking and buffer requirements. She reviewed the following supplemental regulations that a miniwarehouse development currently must meet:

1. Such facilities shall front on collector or arterial streets, as shown on the thoroughfare plan.
2. Such facilities shall be used only for the dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
3. Open storage shall be limited to ten percent of the area of the zoning lot.
4. The requirements of Section 44-151 (buffer standards) shall be met unless the storage is located 200 feet from the zoning lot boundaries.

At the Planning Board's October meeting, Mr. William Graves Sr. asked the Board to consider an amendment to the supplemental regulations to delete the requirement that mini-warehouses front on collector or arterial streets. In his presentation, Mr. Graves noted that traffic generated from mini-warehouses is 2.6 cars per day based on a 1000 square foot building. For comparison purposes, a convenience store generates approximately 60 cars per day based on a 1,000 square foot building. The Planning Board agreed that this standard was excessive for miniwarehouses; however, they also requested that design criteria be included in the supplemental regulations for miniwarehouses. Staff reviewed other jurisdiction's ordinances for standards applied to mini-warehouses. Typical standards addressed internal driveway widths, storage of different types of materials and staging length outside of fenced entrances. Other jurisdictions apply architectural standards, such as building material requirements, in special roadway corridors. In addition to deleting the requirement that mini-warehouses must locate on collector or arterial streets, staff presented the following design criteria for consideration by the Planning Board:

1. Miniwarehouse units shall be constructed with the compartment doors facing internally and not to a public street.
2. Any side of a building facing a street shall be constructed with a façade of brick, stone or wood.
3. All units shall front on a private drive having a minimum width of 20 feet to ensure sufficient room for internal vehicular circulation, loading and parking.
4. If the mini-warehouse facility has a locked and keyed entrance, two staging spaces must be located outside of the public right-of-way.

5. Open storage, when provided, shall be located in the rear of the property and shall not be visible from a public street.
6. The storage of hazardous, toxic or explosive substances shall be prohibited.
7. Outdoor lighting shall be directed away from adjacent properties and public rights-of-way.
8. Section 44-151, Buffer requirements, shall be provided regardless of the distance from the units to the zoning lot boundaries.

Ms. George said staff recommended the proposed amendments to Section 44-220: Miniwarehouses. The Planning Board conducted a public hearing on the proposed amendments at its February 2, 2004 meeting. Mr. William Graves asked the Planning Board to consider allowing miniwarehouses, when located on corner lots, to have the access doors face the side street and not construct the façade treatment of brick, stone or wood. The Planning Board felt the requirement as currently written may be too restrictive and agreed to allow this as an option but low-growing shrubs would be required to be planted for aesthetic purposes. The Planning Board also wanted to clarify that the 20-foot private drive is an internal access road which must be paved and that hazardous, toxic and explosive materials be defined by those requiring a "704 placard."

Chair Barnes recommended including split-face block to the following Item 6.

Ordinance No. 2004-01

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 44, Zoning, Article VII. SUPPLEMENTAL REGULATIONS, Sec. 44-220 Miniwarehouses, is hereby amended to read as follows:

Sec. 44-220. Miniwarehouses.

Miniwarehouse facilities shall meet the following requirements:

- (1) Such facilities shall front on collector or arterial streets, as shown on the thoroughfare plan. All miniwarehouse compartment doors shall open on an internal access driveway having a minimum paved width of 20 feet to ensure sufficient room for internal vehicular circulation, loading and parking.
- a. Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
- b. The storage of hazardous, toxic or explosive substances, as defined as those requiring a "704 placard," is prohibited.
- (3) (4) Open storage, when provided, shall be located in the rear of the property and shall not be visible from a public street. Open storage shall be limited to ten percent of the area of the zoning lot.
- (4) ~~The requirements of section 44-151 shall be met unless the storage is located 200 feet from the zoning lot boundaries.~~
- (5) Miniwarehouse units shall be constructed with the compartment doors facing internally and not to a public street. An exception is allowed for miniwarehouses located on corner lots provided that shrubbery or low-growing evergreens are planted every five feet along the frontage of the secondary road.
- (6) Any side of a building facing a public street shall be constructed with a façade of brick, stone, wood, or split-face block. An exception is allowed for miniwarehouses located on corner lots provided that shrubbery of low-growing evergreens are planted every five feet along the frontage of the secondary road.
- (7) If the miniwarehouse facility has a locked and keyed entrance, two staging spaces must be located outside of the public right-of-way.
- (8) Outdoor lighting shall be directed away from adjacent properties and public rights-of-way.

This 16th day of February, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

William Graves said he believed it would benefit the county to add the aesthetics.

There being no one else wishing to speak, Chair Barnes closed the public hearing.

After a brief discussion, Commissioner Lail made a motion to approve the aforementioned ordinance amending the Catawba County Code of Ordinances, Section Sec. 44-220. Miniwarehouses. The motion carried unanimously.

- b. A rezoning request of Billy Little to rezone an approximate 0.62-acre portion of a 46.77 acre tract from R-2 Residential to C-1 Commercial. This will be recombined with an approximate 0.32-acre portion of an existing C-1 parcel to create a 0.941-acre C-1 Commercial tract. The property is located at 6520 N NC 16 Hwy in the Clines Township, St. Stephens/Oxford Small Area Planning District, and further identified as Parcel ID number 3755-01-17-5749. The 0.941-acre portion is located at the intersection of N NC 16 Hwy and St. Peters Church Road.

Assistant Planner Rich Hoffman said the subject parcel is currently vacant. The Catawba County Zoning Ordinance Sec. 44-81 C-1 Commercial district states, "The C-1 commercial district is intended to provide land for the sale of convenience goods and limited personal services to residents of the immediate neighborhood. These districts shall be located at intervals of at least one mile along arterials and collector streets, preferably at intersections."

He reviewed the surrounding Land Use and Zoning:

-East and Southwest – Neighboring parcels are zoned R-2 Residential and somewhat developed with housing.

-North - There are four parcels totaling approximately 5-acres zoned C-1 Commercial, parcels 4, 5, 6 and 7. They contain the Green Acres Farm Supply store, an Exxon gas station and the River Chase Conference Center. The property across N NC 16 Hwy at the northwest side of the intersection of N NC 16 Hwy and St. Peters Church Road, parcel 8 is zoned C-2 Commercial and contains the Little Market Basket grocery store. Parcel 13 is zoned C2 Commercial and contains three residential homes.

The intersection has developed over the years as a small commercial area. The change of use to C-1 Commercial would be compatible with the natural progression of this intersection to continue as a small commercial neighborhood district. The parcel is less than an acre in size; therefore, there are no State watershed requirements for built-upon density.

On February 18, 1991, parcels 8 and 13, Rezoning Case R-320, were rezoned from C-1 Commercial to C-2 Commercial. The Board noted the location of Hwy 16 as a major thoroughfare in their decision.

Public water is available at the intersection of Hwy 16 and St. Peters Church Road. Any connection requirements would be through the Utilities and Engineering Department and would be based upon the distance the waterline is to the parcel and the demand of water use. There is no public sewer available.

NC Highway 16 is designated as a major thoroughfare in the Hickory-Newton-Conover Urban Area Transportation Plan (September 2001). Major thoroughfares are identified as primary traffic arteries and their principal function is to carry traffic through the areas in which they are located. The most recent traffic counts are from 1999, south of St. Peters Church Road near the intersection of Springs Road and Hwy 16, and were 10,000 vehicle trips per day. The Transportation Plan calls for a carrying capacity of 13,700 vehicle trips per day for this area of Highway 16. The plan also recommends this section of Hwy 16 to be widened to a four-lane divided boulevard; however, this is an unfunded project.

The Board of Commissioners adopted the St. Stephens/Oxford Small Area Plan on April 21, 2003, serving as the current land use plan for this area. The plan identifies the intersection of N NC 16 Hwy and St. Peters Church Road as a Rural Commercial node with a maximum total area of 10-acres and a maximum gross leasable area of 15,000 square feet per lot. Currently there are 7.5-acres of commercially zoned property at the intersection. The uses outlined in the Zoning Ordinance under C-1 Commercial would be typical uses contained in a small neighborhood rural commercial node.

Staff recommended the rezoning of this property from R-2 Residential to G1 Commercial, and the Planning Board conducted a public hearing on February 2, 2004. No one spoke in support or opposition to the request. The Planning Board unanimously recommended rezoning the property R-2 Residential to C-1 Commercial with a subsequent request to the Board of Commissioners for approval based upon:

- The St. Stephens/Oxford Small Area Plan recognizing this area as a Rural Commercial node;
- The statement of intent of the C-1 Commercial district; and
- Access to Hwy 16.

Ordinance No. 2004-02
Amendment to Catawba County Official Zoning Atlas

BE IT ORDAINED by the Catawba County Board of Commissioners that, the Official Zoning Atlas is hereby amended by rezoning the following described tract from R-2 Residential to C-1 Commercial:

An approximate 0.62-acre portion of a 46.77 acre tract from R-2 Residential to C-1 Commercial. This will be recombined with an approximate 0.32-acre portion of an existing C-1 parcel to create a 0.941-acre G1 Commercial tract. The property is located at 6520 N NC 16 Hwy in the Clines Township, St. Stephens/Oxford Small Area Planning District, and further identified as Parcel ID number 3755-01-17-5749. The 0.941-acre portion is located at the intersection of N NC 16 Hwy and St. Peters Church Road.

This the 16th day of February, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Barger made a motion to rezone the aforementioned property from R-2 Residential to C-1 Commercial as requested by Billy Little. The motion carried unanimously.

- c. A rezoning request of Don Innes to rezone a 20.9-acre tract from C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district. The property is located at 5885 E NC 150 Highway in the Mountain Creek Township, Sherrills Ford Small Area Planning District, and further identified as Parcel ID number 3686-12-96-2039.

Assistant Planner Rich Hoffman said the property is currently undeveloped and zoned C-2 Commercial. He reviewed the areas surrounding the property:

-South – The area is zoned R-2 Residential and mostly vacant.

-West – Howard's Furniture Store is identified as parcel 17 across Hwy 150 and is zoned R-2 Residential. The West Lake Commons C-2 Commercial development identified as 18 a-i is zoned C-2 Commercial and is undeveloped. The intersection of Hwy 16 and Hwy 150 is .5 miles to the west, is zoned C-2 Commercial and developed commercially.

-North - Parcels 8, 9, 10, 11 and 12 directly across Hwy 150 are zoned R-2 Residential and developed with houses.

-East - Parcel 6a, is a veterinarian office and zoned C-2 Commercial. Other property is zoned R-2 Residential and partially developed with housing.

The proposed uses would be allowed under the current C-2 Commercial zoning classification. The applicant plan is for more than one principal structure and more than two uses on the parcel. Current zoning does not allow more than one principal use on a parcel, therefore a planned development is proposed. A site plan is required which allows more specific review of the request. This development consists of a mini strip mall, offices, and mini storage units. A new common road is proposed and will serve as access for all uses. Since more than one acre of land is proposed for development in the WS-IV protected watershed, State rules require no more than 24 percent built-upon area (imperviousness) with curb and gutter or 36 percent built-upon area without curb and gutter. The site plan shows approximately 19 percent of the site developed with impervious surface.

The uses identified for this planned development are listed in the Zoning Ordinance as a use by right with the exception of the mini-storage units and warehouse. Mini-storage and warehouse uses are not specifically listed in any of the planned development districts, but are allowed in the C-2 and C-3 Commercial Districts and the E-1 and E-2 Industrial Districts. The mini-storage is located on the site plan to create more compatibility with the neighboring properties. It is abutting a commercial property and is set 250-foot off of Highway 150. This is a more compatible location on the site than may otherwise take place under the current C-2 Commercial zoning. The warehouse space will be combined with the offices.

He reviewed the following rezoning history:

-June 18, 2001, the subject parcel 19, rezoning case R-457, was rezoned from R-2 Residential to C-2 Commercial.

-November 20, 1995, parcel 14 rezoning case R-404, was rezoned from R-2 Residential to C-1 Commercial. The Planning Board considered this an extension of an existing commercial district.

-August 21, 1995, parcels 1 and 2, rezoning case R-399 were rezoned from R-2 Residential to C-2 Commercial.

-July 24, 1995, parcel 16, rezoning case R-397, was rezoned from C-2 Commercial to Planned Development-Shopping Center Neighborhood District. There is a multi-office use on the parcel.

-December 19, 1994, parcel 15, rezoning case R-389, was rezoned from R-2 Residential to C-2 Commercial.

-August 16, 1993, parcels 18 a-i, rezoning case R-365, were rezoned from R-2 Residential to C-2 Commercial. The Board noted that the request conformed to the land use plan.

-April 19, 1993, parcels 6a and 6b, rezoning case R-359, were rezoned from R-2 Residential to C-2 Commercial.

He said public water is anticipated to front the parcel by July 2004. Any connection requirements would be through the Utilities and Engineering Department and would be based upon the distance the water line is to the parcel and the water demand of the use. A wastewater study is also underway. NC Highway 150 is designated as a minor arterial road on Catawba County's Thoroughfare Plan. This system, in conjunction with the principal arterial roads, forms a network that links cities, larger towns, and other major traffic generators. According to the Catawba County Thoroughfare Plan, NC Highway 150 has a road carrying capacity of 9,900 vehicle trips per day. The 2001 traffic count at the intersection of Highway 150 and Highway 16 was 13,000 vehicle trips per day. The plan also recommends Hwy 150 to be widened to a four-lane road from NC 27 in Lincolnton to I-77 just west of Mooresville; however, this is an unfunded project. The Sherrills Ford Small Area Plan also recommends the widening of Hwy 150. The Board of Commissioners adopted the Sherrills Ford Small Area Plan on February 17, 2003, serving as the current land use plan for this area. The plan identifies this area as Regional Commercial/Mixed Use. The uses contained would be a mixture of commercial, office-institutional and multi-family to serve the needs of a population service district of 40,000-150,000 people within a 20-30 minute drive.

Staff and the Planning Board recommended the rezoning of this property from C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district based upon:

- The Sherrills Ford Small Area Plan recognizing this area as Regional Commercial/Mixed Use;
- The submitted site plan;
- The accompanying narrative;
- The location to existing commercially zoned properties; and

-The location of Hwy 150.

The Planning Board further recommended:

-Confirmation that structure setbacks account for the future widening of Hwy 150.

The Planning Board conducted a public hearing on February 2, 2004. No one spoke in support or opposition to the request. The Planning Board unanimously recommended the rezoning of the property from C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district.

**Ordinance No. 2004-03
Amendment to Catawba County Official Zoning Atlas**

BE IT ORDAINED by the Catawba County Board of Commissioners that, the Official Zoning Atlas is hereby amended by rezoning the following described tract C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district:

A 20.9-acre tract located at 5885 E NC 150 Highway in the Mountain Creek Township, Sherrills Ford Small Area Planning District, and further identified as Parcel ID number 3686-12-96-2039.

This the 16th day of February, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Lail made a motion to rezone the aforementioned property from C-2 Commercial to a PD-SC(C) Planned Development-Shopping Center Community district as requested by Don Innes. The motion carried unanimously.

- d. A rezoning request of Betty P. Ivester for the Estate of Robert H. Gabriel to rezone a 3.17 acre tract and a 5.19 acre portion of a 43.4 acre tract from R-2 Residential to the Terrell Highway Commercial (THC) District. The property is located at 7914 E NC 150 Hwy and 9225 Sherrills Ford Rd (SR 1848) in the Mountain Creek Township, Sherrills Ford Small Area Planning District, and further identified as Parcel ID numbers 4617-09-15-6110 and 4617-09-05-8372.

Assistant Planner Rich Hoffman said part of the area proposed for rezoning is developed with older uninhabited buildings. This property is within the designated boundary of the THC District. The THC District states: The Terrell Highway Commercial District is a gateway for the community and often defines the first image someone has upon entering the County. It is designed to create an orderly transition linking a high traffic corridor with a Village Center District. The district is established primarily for uses that rely on automobile rather than pedestrian access due to the scale and access requirements of Highway 150. The THC District serves the Sherrills Ford community and travelers within a multi-county region. In order to accomplish compatibility, strategic walkable connections leading from the THC District to the Village Center District are necessary. The THC District implements the Sherrills Ford Small Area Plan policies relating to the Highway 150 corridor. Specifically, the THC District:

- Provides a commercial corridor with connections to a Village Center District;
- Provides a walkable commercial area that is inviting to pedestrians and convenient for the traveling public;
- Provides a mixture of commercial and office uses; and
- Establishes building form and architectural standards compatible with the historical character of the Terrell area.

He reviewed the Surrounding Land Use and Zoning:

- North - There are two vacant C-1 Commercial tracts located on Sherrills Ford Road parcels 3 and 18.

-East – The intersection of Sherrills Ford Road and Hwy 150 is zoned C-1 Commercial and PD SC (N) Planned Development Shopping Center (Neighborhood). The uses are identified as The Country Store on parcel 2 which is zoned C-1 Commercial, the post office and the Terrell Camping Center on parcel 19, a convenience store on parcel 21 zoned C-1 Commercial, a vacant tract next to the convenience store also zoned C-1 Commercial, and a residential home located on the southwest corner of the intersection zoned C-1 Commercial.

-South - Parcels 16 and 17 are zoned R-2 Residential with existing homes. Other land is zoned R-2 Residential and is developed somewhat with housing.

-West - Property is zoned R-2 Residential and partially developed with housing.

On February 17, 2003, the Board of Commissioners denied a request to rezone the subject property to C-1 Commercial. At that time the commercial design guidelines for the Highway 150 corridor were not yet adopted. On November 17, 2003, the Board adopted the THC District boundary and design regulations.

He reviewed the following rezoning history:

-February 17, 2003, parcels 19 and 20, rezoning case R-469, were rezoned from R-2 Residential and C-1 Commercial to a PD SC (N) Planned Development Shopping Center (Neighborhood).

-October 21, 2002, parcel 18, rezoning case R-466, was rezoned from R-2 Residential to C-1 Commercial.

-August 19, 2002, parcels 2 and 3, rezoning case R-463, were rezoned from R-2 Residential to C-1 Commercial.

Public water is anticipated to be at the intersection of Hwy 150 and Sherrills Ford Road by the end of March 2004. Any connection requirements would be through the Utilities and Engineering Department and would be based upon the distance the water line is to the parcel and the water demand of the use. A wastewater study is also underway.

Highway 150 is designated as a minor arterial. Minor arterials, in conjunction with the principal arterial system, form a network that links cities, larger towns, and other major traffic generators. Minor arterials generally serve interstate and inter-county travel with trip lengths somewhat less than the principal arterial system. According to the Catawba County Thoroughfare Plan, NC Highway 150 has a road carrying capacity of 9,900 vehicle trips per day. The 2001 traffic count near the subject parcel on Hwy 150 was 10,000 vehicle trips per day. The plan also recommends Hwy 150 to be widened to a four-lane road from NC 27 in Lincolnton to I-77 just west of Mooresville; however, this is an unfunded project.

The Sherrills Ford Small Area Plan also recommends the widening of Hwy 150.

The Board of Commissioners adopted the Sherrills Ford Small Area Plan on February 17, 2003, serving as the current land use plan for this area. The plan identifies this area as a village-mixed use area, recommends a commercial corridor with connections to a village center district with provisions for a walkable commercial area, a mixture of commercial and office uses and establishes architectural standards compatible with the historical character of the Terrell area. The uses along with the regulation standards are specified in the Zoning Ordinance under the Terrell Highway Commercial (THC) district. The uses that could be expected in the THC district are a blend of C-1 Commercial, C-2 Commercial and O-1 Office Institutional with some uses being prohibited. To achieve the high quality commercial standards, the THC district addresses building design standards, driveway connections, streetscape landscaping, buffering and parking area landscaping, pedestrian design, parking, signage and site lighting. If the Board rezones the parcel, planning staff would apply the THC district standards when the applicant applies for a zoning permit. The request is in line with the Sherrills Ford Small Area Plan.

Staff and the Planning Board recommended to rezone this property from R-2 Residential to the Terrell Highway Commercial (THC) district based upon:

- The Sherrills Ford Small Area Plan recognizing Hwy 150 as a commercial corridor; and
- The THC District regulations.

The Planning Board conducted a public hearing on February 2, 2004 and the developer spoke in support of this request.

Ordinance No. 2004-04
Amendment to Catawba County Official Zoning Atlas

BE IT ORDAINED by the Catawba County Board of Commissioners that, the Official Zoning Atlas is hereby amended by rezoning the following described tract from R-2 Residential to the Terrell Highway Commercial (THC) District:

Rezoning of a 3.17 acre tract and a 5.19 acre portion of a 43.4 acre tract. The property is located at 7914 E NC 150 Hwy and 9225 Sherrills Ford Rd (SR 1848) in the Mountain Creek Township, Sherrills Ford Small Area Planning District, and further identified as Parcel ID numbers 4617-09-15-6110 and 4617-09-05-8372.

This the 16th day of February, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Steven Pickard said he lived in the area and asked if the Country Store would be torn down.

Mr. Hoffman said this proposed rezoning does not pertain to the Country Store.

Mr. Doug Core, Developer, said the estate is just selling the property and currently the property behind the proposed rezoning and the store building on the corner are owned by Mr. Connor and is currently under contract and Mr. Connor has no specific plans that Mr. Core is aware of. The buildings on the property for proposed rezoning have no value.

There being no one else wishing to speak, Chair Barnes closed the public hearing.

Commissioner Beatty made a motion to rezone the aforementioned 3.17 acre tract and a 5.19 acre portion of a 43.4 acre tract from R-2 Residential to the Terrell Highway Commercial (THC) District as requested by Betty P. Ivester for the Estate of Robert H. Gabriel. The motion carried unanimously.

9. **Appointments:**

a. **Designation of Lead Agency on Aging for Home and Community Care Block Grant.**

Social Services Director Bobby K. Boyd said the Board had designated the Department of Social Services as the Lead Agency on Aging since FY 1993-1994 according to requirements stipulated by the state Division of Aging. Boards of County Commissioners are requested to make this designation as well as to name an Advisory Committee to develop a funding plan for the Home and Community Care Block Grant. In February 2002, the Board named the Advisory Committee to carry out this responsibility with two-year terms expiring February 2006. The Board of Commissioners can change the terms from two years to three years and he recommending changing to three years. He recommended that the Commissioners appoint a 10 member Advisory Committee. Mr. Boyd said the responsibilities of the Lead Agency include:

- Directing the work of the Block Grant Advisory Committee in order to assure community input to the funding plan.
- Submission of the proposed Plan to the County Budget Officer by April 30.
- Ensuring the approved funding plan meets all requirements specified by the Division of Aging and is submitted to the Area Office on Aging by June 30.

Mr. Boyd recommended that the Board reappoint the following for three-year terms, which will expire February 21, 2007:

Home and Community Care Block Grant Advisory Committee

Ms. Mary Mode, Director of the Catawba County Council on Aging, second term
Mrs. Frances Frock, 781 23rd Avenue, NE, Hickory, seventh term
Ms. Miriam Davis, 1205 Southwood Drive, Newton, fourth term
Reverend Luther Knauff, 119 Third Street, NE, Conover, seventh term
Ms. Grace McLeod, Adult Social Work Program Manager for the Department of Social Services, seventh term
Ms. Gladys Seitz, 5028 Ollen Drive, Hickory, N.C. 28602, second term
Ms. Sheila Weeks, Director of the Area Agency on Aging for the Western Piedmont Council of Governments, third term
Ms. Alice Layne, Catawba County Public Health Department, second term
Mr. John Waters, Catawba County Mental Health Services, second term
Mr. Max Padgett, 1034 Sixth Avenue, N.W., Hickory, seventh term

Commissioner Barger made a motion to increased the term from two-years to three-years for designating the Department of Social Services as the Lead Agency on Aging for fiscal years 2004-2007 as well as increasing the terms from two to three years for the Home and Community Block Grant Advisory Committee and approval of the aforementioned 10 member committee. The motion carried unanimously.

b. Other appointments:

Unified Development Ordinance (UDO) Steering Committee

Commissioner Beatty nominated David L. Stewart to this committee.

Catawba County Planning Board

Commissioner Lail nominated Anne Barrier and Deborah Pitts for reappointment to second, four-year terms and Steve Von Drehle was nominated for reappointment to a third, four-year term. Terms expire December 31, 2007.

Resource and Referral Service

Commissioner Lail nominated Linda D. Ellis and Carol S. Hall for reappointment to third, two-year terms, which expire December 31, 2005.

Community Service Block Grant Advisory Board (CSBG)

Commissioner Barger recommended the nomination of Samuel B. Kuhn and Maria Reese for reappointment to second, three-year terms, which expire June 30, 2007.

There being no further nominations, Commissioner Beatty made a motion to approve the aforementioned appointments. The motion carried unanimously.

10. Departmental Reports:

a. Emergency Services Department:

1. Resolution to approve the financing of an amount up to \$225,000 to the Mountain View Fire Department for the purchase of a pumper fire truck.

Emergency Services Director David Weldon said as a result of the five year plan to improve fire district response and services to the Mountain View community, especially in the Advent Crossroads area near Bakers Mountain, the Mountain View Fire Department is close to completing a building project for a second station to be located at Advent Crossroads, on Old Shelby Road. In addition to the building, the Mountain View Fire Department will be purchasing a new pumper truck to complete the requirements for equipment needed to maintain a low insurance rating for the residents of this area. The U.S. Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Board of Commissioners must first approve the financing. The Mountain View Fire Department held a public hearing on February 12, 2004, after published noticed, as required by the Internal Revenue Code. This is not considered a financial obligation of the county. Mr. Weldon recommended that the Board of Commissioners adopt a resolution approving the financing of an amount up to \$225,000 to the Mountain View Fire Department for the purchase of a

pumper fire truck as required by Internal Revenue Code, stating that it approves the Mountain View Fire Department's entering into the tax-exempt financing of up to \$225,000 for the purchase of a pumper truck.

Resolution No. 2004-03
Resolution Approving the Financing by
Mountain View Volunteer Fire Department, Inc.
of up to \$225,000 for Pumper Fire Truck Project

WHEREAS, Mountain View Volunteer Fire Department, Inc. has determined to finance an amount of up to \$225,000 for the purchase of a pumper fire truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Catawba County Board of Commissioners must first approve the financing. The Fire Department held a public hearing on February 12, 2004, after published notice as required by Internal Revenue Code. The Mountain View Volunteer Fire Department has reported the proceedings of such hearing to this Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Catawba County, North Carolina, as follows:

1. The County approves the Mountain View Volunteer Fire Department's entering into the financing, as required under Internal Revenue Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

This 16th day of February, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Commissioner Barger made a motion to adopt the aforementioned resolution to approve the financing by Mountain View Volunteer Fire Department, Inc. of up to \$225,000 for a Pumper Fire Truck Project. The motion carried unanimously.

b. Social Services Department:

1. Transfer of Capital and Current Projects for HVAC repair at Social Services.

Social Services Director Bobby K. Boyd said the new addition and renovations to the Social Services Facility were completed in 2002. The renovations to the older Social Services section did not include any upgrades to the HVAC air handlers, boiler, etc. That section of the building was designed without any type of heat in the center of the workspace. The intent was for the heat load (lights, computers, etc.) to generate heat throughout the entire work area. However, several of the employees in this section are out of their offices on a regular basis; the heat load is not adequate to heat the area. Employees have been complaining about insufficient heat in the winter ever since the renovations were completed. Maintenance, Purchasing and Social Services staff met with the contractors and engineers that were involved in the original renovations. Ernest Williams, Construction Coordinator with Catawba County Schools was asked to mediate to help determine how to best address the problem. It was determined that the proportional control module (PCM) installed since approximately 1992 should be replaced; it will be replaced with a building control unit with modern communication (BCU). Replacing the PCM with the updated BCU will require validation of 109 variable air volume control boxes throughout the entire Social Services Facility. The cost is a not to exceed \$34,383; the labor should take approximately 2-1/2 – 3 weeks. Mr. Boyd recommended that the Board of Commissioners approve a transfer of \$24,383 from General Capital Roofing Projects and \$10,000 from Social Services Building Structures and Improvements.

Transfer of Appropriation:

From: 410-460100-842510-11201	\$24,383
Roofing Projects	

To: 410-460100-988000-15015	\$24,383
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Social Services Addition

From: 110-560100-981000 \$10,000
Office Furniture

To: 110-190900-995410 \$10,000
Transfer to General Capital Projects

Supplemental Appropriation:
410-460100-988000-15015 \$10,000
Transfer to General Capital Projects

410-460100-695110 \$10,000
Transfer from General Fund

Commissioner Lail made a motion to approve a transfer of \$24,383 from General Capital Roofing Projects and \$10,000 from Social Services Building Structures and Improvements. The motion carried unanimously.

11. Attorneys' Report:

Chair Barnes congratulated Staff Attorney Debra Bechtel upon being sworn in next week to become a member of the United States Supreme Court Bar.

12. Manager's Report.

Chair Barnes announced said County Manager J. Thomas Lundy, Finance Director Rodney N. Miller, and Public Utilities and Engineering Director Barry Edwards were in Tirana, Albania, working on the USAID project that they have participated in for the past two years.

Assistant County Manager Mick Berry reminded the Board and the public that there would only be one meeting in March to be held on March 15, 2004, due to the Commissioners attending the 2004 Legislative Conference in Washington, DC.

13. Other items of business:

- a. Chair Barnes said that she, Commissioner Beatty, and Assistant County Manager Mick Berry attended the Duke Power ground breaking for the scrubber at Plant Marshall. She said the President of Duke Power Ruth Shaw and Governor Easley were there. Chair Barnes said this project will have immediate openings in construction jobs and cleaner air for generations to come.
- b. Reinventing.

Personnel Changes, Reinventing Government - Social Services

Section II (F) of the 2003-2004 budget ordinances states: Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be attached and approved as part of the minutes.

Under this provision of the budget ordinance the following (five) personnel changes have been made: an additional Income Maintenance Caseworker, Social Work Clinical Specialists (III), and Programmer Analyst.

In order to meet the ever-increasing Medicaid eligibility demand, Catawba Valley Medical Center requests an additional Income Maintenance Caseworker to be placed at their facility. Currently there is one caseworker on a contractual arrangement, with the hospital reimbursing Social Services for the cost. This additional person will enable citizens to be served.

Much success has been realized in the placement of children for adoption. Over 350 children are currently in adoptive arrangements placed by Social Services. It is imperative that disruptions be prevented, as the pain, hurt, and financial cost escalate when such occur. Therefore, to meet the outcome of helping families stay together, an enhancement of post-adoption services is necessary. The positions will be paid for by federal reimbursement and adoption incentive funds received by Social Services.

In order to create several stand-alone computer programs, reduce the cost of database creation, and facilitate better customer relations, Information Technology and Social Services concluded that the Programmer position eliminated a few years ago due to state revenue losses needs to be reinstated.

14. Adjournment.

At 8:10 p.m. there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

The next regular meeting is scheduled for Monday, March 15, 2004, 7:00 p.m., 1924 Courthouse, Newton, North Carolina.

Katherine W. Barnes
Chair, Board of Commissioners

Thelda B. Rhoney
County Clerk